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FM AMEMBASSY ASTANA

TO RUEHC/SECSTATE WASHDC IMMEDIATE 5625

INFO RUCNCIS/CIS COLLECTIVE 1673

RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE

RUEHZL/EUROPEAN POLITICAL COLLECTIVE

RUEHBJ/AMEMBASSY BEIJING 1046

RUEHKO/AMEMBASSY TOKYO 1749

RUEHUL/AMEMBASSY SEOUL 0720

RUCNDT/USMISSION USUN NEW YORK 2342

RUEHNO/USMISSION USNATO 2662

RUEAAIA/CIA WASHDC

RHEFAAA/DIA WASHDC

RHEHNSC/NSC WASHDC 1231

RUEKJCS/SECDEF WASHDC 1147

RUEKJCS/Joint STAFF WASHDC

RHMFIUU/CDR USCENTCOM MACDILL AFB FL

UNCLAS ASTANA 001030

SENSITIVE

SIPDIS

STATE FOR SCA/CEN, DRL, EUR/RPM

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KDEM](#) [OSCE](#) [KZ](#)

SUBJECT: KAZAKHSTAN: DRAFT INTERNET LAW HEADED TOWARD SECOND
SENATE READING

REF: (A) ASTANA 1028
(B) STATE 46293

(C) ASTANA 0816
(D) ASTANA 0345

¶1. (U) Sensitive but unclassified. Not for public Internet.

¶2. (SBU) This cable includes an action request. Please see
paragraph three.

¶3. (SBU) SUMMARY AND ACTION REQUEST: The draft Internet law went through its first reading in the Senate on June 11. The second reading may take place as early as the next few days. If it is approved at the second reading, it will go to President Nazarbayev for his action. The draft legislation, while somewhat improved in the Mazhilis (the lower house of the parliament), still contains several problematic provisions. We believe that we should wait until after Senate passage, since it will be hard to stop the legislation there, and then press for a presidential veto -- or, as in the case of the religion law -- for Nazarbayev to send it to the Constitutional Council for review. We request that the Department provide us with a demarche to use with the Presidential Administration and other senior officials on the assumption the Senate will pass the law. END SUMMARY AND ACTION REQUEST.

¶4. (SBU) On June 11, the Senate passed at a first reading a draft law on the Internet. Civil society observers expect that the second reading will take place before June 20, and that the Senate will adopt the draft legislation with no further changes. While the draft law was somewhat improved in the Mazhilis, both local and international observers are still critical of the bill for remaining restrictions they believe would place undue restrictions on freedom of expression on the Internet (ref C and D). If the legislation passes on the second reading, it will go to President Nazarbayev for his action, and some civil society activists anticipate that Nazarbayev will veto it.

¶5. (SBU) As discussed in ref C, the Mazhilis somewhat improved the draft bill by deleting a provision that would have granted the Procurator General's Office (PGO) the right to suspend any website, foreign or domestic, found to contain information that contradicts Kazakhstani legislation. However, the draft legislation still

contains several problematic provisions. In particular, the law, if adopted in its current form, would reclassify all Internet sites as "media outlets," making them subject to Kazakhstan's media law. It would also broaden the definition of what it means to "disseminate a media product" to include posting information anywhere on the Internet, a provision that civil activists believe opens the door for legally blocking any Internet site, including web-chats and blogs. In addition, the draft legislation includes provisions that make it easier to shut down any media outlets for violations during elections and violations related to inter-ethnic relations.

¶6. (SBU) COMMENT: During the May 7 OSCE Permanent Council meeting, USOSCE made a statement urging the Kazakhstani authorities to carefully consider how the draft legislation measures up against OSCE standards and pointing out several areas of particular concern (ref B). In his June 11 press conference in Astana, the Ambassador made a general statement on the proposed law (ref A). We believe that many of the same arguments could be used in urging that President Nazarbayev veto the bill or send it to the Constitutional Council for review. END COMMENT.

HOAGLAND